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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

LINDA L. AUSTIN, M.D.

Holder of License No. 21329 For the Practice of Allopathic Medicine In the State of Arizona

Case No. MD-11-0231A

ORDER FOR LETTER OF REPRIMAND AND CONSENT TO THE SAME

Linda L. Austin M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Letter of Reprimand; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

- The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
- Respondent is the holder of license number 21329 for the practice of 2. allopathic medicine in the State of Arizona.
- The Board initiated case number MD-11-0231A after receiving notification of 3. a malpractice settlement involving Respondent's care and treatment of a 58 year old female patient ("ES") alleging improper management of allergic conjunctivitis and inappropriate prescribing of Prednisone ophthalmic eye drops.
- ES had been under Respondent's care since March of 1999. 4. several comorbidities, including chronic back and lung problems as well as recurring sinus infections. Early in her care with Respondent, ES indicated that she had eye infections or eye allergies which seemed to coincide with her sinus condition.
- Respondent prescribed Prednisolone 1% (Pred Forte) for eye allergies. 5. which were refilled intermittently over three years.

- 6. In March 2005, ES reported that she discussed her eye problems with her brother, an eye doctor, and that he recommended two over the counter eye drop preparations, and that he prescribed her a topical non-steroidal anti-inflammatory medication. Respondent assumed that ES' brother was an ophthalmologist and allowed ES to continue using Pred Forte drops for the following year.
- 7. In June 2006, ES complained of blurred vision. Respondent initiated a referral to a neuro-opthalmologist. Before ES was seen in consultation, she reported that her eye symptoms worsened when her sinuses were "stuffed up" and that they improved when her sinuses were cleared.
- 8. From June 2006 through January 20008, Respondent saw ES on three occasions, but never for an eye complaint. On January 18, 2008, ES was seen by an ophthalmologist who diagnosed her with glaucoma and discontinued the Pred Forte as well as an over the counter medication that contained belladonna alkaloid.
- 9. The standard of care for allergic conjunctivitis requires a physician to attempt to use medications such as non-steroidal drops or mild tear replacement fluids.
- 10. Respondent deviated from the standard of care by failing to change to a nonsteroidal preparation for long term use.
- 11. The standard of care for a patient with allergic conjunctivitis requires a physician to use mild steroid drops, such as Prednisolone 0.12%, used briefly with appropriate precautions.
- 12. Respondent deviated from the standard of care by using a strong steroid preparation, Pre Forte, when another mild steroid preparation was available.
- 13. The standard of care requires a physician to obtain periodic ophthalmologic consultation to rule out iritis or glaucoma.

- 14. Respondent deviated from the standard of care by failing to obtain ophthalmologic consultation to rule out iritis or glaucoma in a patient on prolonged use of the steroid drops.
- The standard of care requires a physician to avoid allowing the patient to 15. frequently make their own diagnoses and request specific treatments without being seen.
- 16. Respondent deviated from the standard of care by allowing a patient to frequently make her own diagnoses and request specific treatments without being seen.
- 17. ES was harmed because she developed glaucoma which remained undiagnosed until she had lost vision.

CONCLUSIONS OF LAW

- 1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.
- 2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

ORDER

IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

DATED AND EFFECTIVE this // day of AVGUST , 2011.



ARIZONA MEDICAL BOARD

CONSENT TO ENTRY OF ORDER

- 1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges she has the right to consult with legal counsel regarding this matter.
- Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.
- 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.
- The Order is not effective until approved by the Board and signed by its Executive Director.
- 5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.
- 6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

- 7. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.
- 8. If any part of the Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.
- 9. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.
- 10. Any violation of this Order constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.

DATED: 4-14-2011

EXECUTED COPY of the foregoing mailed

Linda L. Austin, M.D. Address of Record

Lińda L. Austin./M:Ĉ

ORIGINAL of the foregoing filed

this / tay of Men .. 2011 with:

Arizona Medical Board 9545 E. Doubletree Ranch Road Scottsdale, AZ 85258

Arizona Medical Board Staff